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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,559	07/23/2003	Masaharu Nishikawa	50195-375	6633

7590 12/27/2004  
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EXAMINER  
MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/624,559	NISHIKAWA, MASA HARU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Katherine W. Mitchell	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because: Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

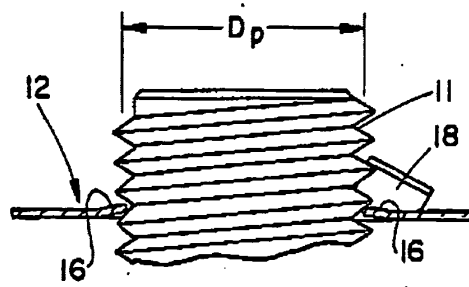
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher USP 4911594

Re claims 1 and 7: Fisher discloses an attachment clip and structure for attaching a first member, having a hole, to a second member, having a projecting bolt passable through said hole, comprising:

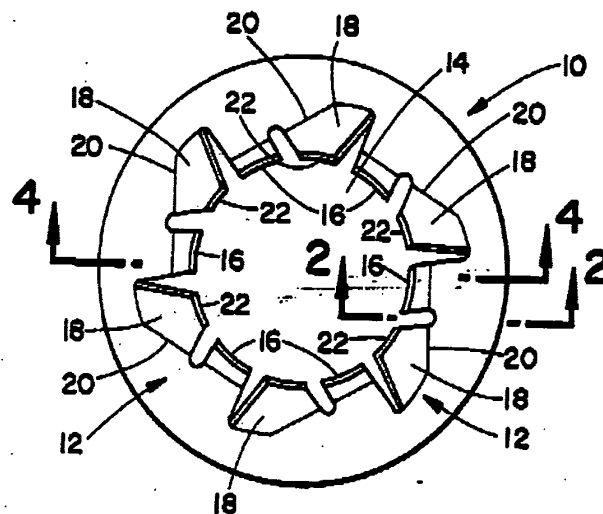
- A clip body 12 with an abutment part capable of attaching a first member to a second member, having a shank hole to accommodate passage of a bolt
- A plurality of engagement claws (spring fingers 18 and 16 are both considered claws, per Fig 4 and col 3 lines 51- col 4 line 41) formed around inner periphery of hole and radially projecting inward (Fig 1) and inclined to the clip body so that the respective tips depart in an axial direction from clip body, thereby providing claws as a whole a substantially cone-shaped configuration (Fig 3)
- Wherein engagement claws are capable of engaging bolt shank while urging first member toward second member along bolt axial direction (see Fig 4 below, and



col 3 lines 39- col 4 line 48)

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- Wherein engagement claws include at least 2 specific claws adjoining in circumferential direction (Fig 1, adjacent claws 16 and 18, see Fig 1 below)



- Wherein the tips of two specific claws are apart from each other a predetermined distance in height (Fig 4, 18 higher than 16) and the height difference is equal to one or more thread pitches on the bolt shank.
- Examiner notes that Fisher teaches in col 1 lines 8-18 that the clips are commonly used to retain partial assemblies in an assembled relationship, thus inherently there are first and second members attached by the clip via a bolt.

Re claim 2: At least 3 claws are shown.

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Frederick USP 3203302. Fisher teaches all the elements except at least one pair of vertical knobs opposing each other on both sides of the shank hole. Frederick teaches at least one pair of vertical knobs (14) in Fig 5-7, and col 2 lines 44-48 and col 3 lines 4-9, stating in col 3 lines 41-44 that the knobs are used to prohibit the workpieces from recocking and loosening once the clip is on the stud. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Fisher and Frederick before him at the time the invention was made, to modify Fisher as taught by Frederick to include vertical spacing knobs, in order to prohibit the workpieces from recocking and loosening once the clip is on the stud. One would have been motivated to make such a combination because a more secure connection would have been obtained, as taught/suggested by Frederick as discussed above.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher. Examiner notes that the intended use of the first and second members does not structurally affect the attachment clip, and that the clip of Fisher is capable of attaching a heat shielding plate and an under panel of a vehicle. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Fisher before him at the time the invention was made, to modify Fisher to include use with a heat shielding plate and an under panel of a vehicle, in order to maximize the market and uses for the

clip. One would have been motivated to make such a combination because a fast assembly and resistance to vibration loosening of the Fisher clip would be desirable in vehicle assembly.

***Allowable Subject Matter***

7. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 703-305-6713. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Katherine Mitchell". The signature is fluid and cursive, with the first name "Katherine" and last name "Mitchell" clearly distinguishable.

Kwm  
12/22/2004